

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 66291

Eric Sanders
Donna Sanders
Britany Sanders

3806 Offutt Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 6, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115; Baltimore County Zoning Regulations (BCZR) section 1B01.1, 428, failure to clean the exterior premises of trash, junk and debris, failure to license or remove the 2 unlicensed vehicles: illegal parking/storage on residential property zoned DR 5.5 known as 3806 Offutt Road, 21133.

On August 31, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,200.00 (seven thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on August 14, 2009 for removal of untagged/inoperative vehicles, removal of junk, trash and debris and cut and remove tall grass and weeds. This Citation was issued on August 31, 2009.

B. Photographs in the file show a blue Honda sedan and a white van parked in the driveway, without license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents must properly tag the vehicles or remove them. If Respondents fail to correct the violations within the time provided below, the County will be authorized to remove the vehicles at Respondents' expense.

C. Photographs in the file show junk, trash and debris in the rear yard and side yard, including what appears to be broken furniture. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. If Respondents fail to correct the violations within the time provided below, the County will be authorized to remove the junk, trash and debris, at Respondents' expense.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by November 2, 2009.

IT IS FURTHER ORDERED that after November 2, 2009, the County may enter the property for the purpose of removing all untagged or inoperable motor vehicles, at Respondents' expense.

IT IS FURTHER ORDERED that after November 2, 2009, the County may enter the property for the purpose of removing all junk, trash and debris, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer